

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:23-CV-714-M-KS

TELEFONAKTIEBOLAGET LM)
ERICSSON,)
)
Plaintiff,)
)
v.)
)
LENOVO (UNITED STATES) INC.,)
LENOVO (SHANGHAI))
ELECTRONICS TECHNOLOGY CO.)
LTD., LENOVO BEIJING CO., LTD.,)
LENOVO GROUP, LTD., LENOVO PC)
HK LTD., LENOVO INFORMATION)
PRODUCTIONS (SHENZHEN) CO.)
LTD.,)
)
Defendants.)

ORDER

This matter is before the court on Defendant Lenovo (United States) Inc.’s motion to stay the proceedings, filed February 1, 2024. Plaintiff filed a response on February 6, 2024, indicating it does not oppose a stay. The matter is therefore ripe for ruling.

BACKGROUND

Plaintiff filed this action on December 12, 2023, alleging infringement by Defendants of U.S. Patent Nos. 9,641,841, 10,142,659, 10,708,618, and 10,708,613 (collectively, “the patents-in-suit”). Plaintiff has also filed a complaint with the United States International Trade Commission (“ITC”) asserting violations of section 337 of the Tariff Act of 1930 by Defendants. Plaintiff’s ITC complaint is based upon alleged “importation into the United States, the sale for importation, and the sale

within the United States after importation of certain electronic computing devices, and components and modules thereof by reason of the infringement of certain claims of [the patents-in-suit].” *Certain Electronic Computing Devices, and Components and Modules Thereof*, Inv. No. 337-TA-1387, 89 Fed. Reg. 3427-02, 2024 WL 182691 (Jan. 18, 2024) (Notice of Investigation). Based upon that complaint, the ITC has instituted an investigation naming Defendants as respondents. Defendant Lenovo (United States) Inc. (“Lenovo US”), moves to stay this action pending the ITC investigation.

DISCUSSION

Lenovo US’s unopposed motion is based upon 28 U.S.C. § 1659(a), which provides, in pertinent part, as follows:

In a civil action involving parties that are also parties to a proceeding before the United States International Trade Commission under section 337 of the Tariff Act of 1930, at the request of a party to the civil action that is also a respondent in the proceeding before the Commission, the district court shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that involves the same issues involved in the proceeding before the Commission, but only if such request is made within—

(1) 30 days after the party is named as a respondent in the proceeding before the Commission, or

(2) 30 days after the district court action is filed,

whichever is later.

28 U.S.C. § 1659(a).

Lenovo US is a respondent to the ITC proceeding alleging the importation and sale of products that infringe the patents-in-suit. It appears that the ITC investigation will involve the same issues presented in this action, and Lenovo US

timely requested a stay by filing its motion within thirty days after being named as a respondent in the ITC proceeding. Accordingly, a stay of this action is mandated.

CONCLUSION

For the foregoing reasons, Defendant Lenovo (United States) Inc.'s motion [DE #13] is GRANTED, and this action is STAYED in its entirety pending the United States International Trade Commission's proceedings. The parties shall promptly inform the court of the ITC's final determination. Additionally, the parties shall file a joint notice informing the court of the status of the ITC proceedings on or before **October 15, 2024**, and every six months thereafter until such time as the stay is lifted in this action.

This 16th day of February 2024.

A handwritten signature in black ink, reading "Kimberly A. Swank", is written over a horizontal line.

KIMBERLY A. SWANK

United States Magistrate Judge